

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the Amendment, claims 23, 27, and 56 have been amended to recite that the sintered powder that is formed is a sintered porous powder. Full support for the amendment can be found throughout the present application, including the claims as originally filed, for instance, at page 9, lines 8-14, and elsewhere. Since this Amendment does not raise any new questions of patentability nor does it necessitate any need for further searching and since the Amendment places the application in condition for allowance or, at the very least, in a better condition for appeal, entry of this Amendment is respectfully requested.

Rejection of claims 23 and 24 under 35 U.S.C. §103(a) -- Applicant's Admitted Prior Art in view of Hall

At page 2 of the final Office Action, the Examiner rejects claims 23 and 24 under 35 U.S.C. §103(a) over applicant's admitted prior art on pages 2-4 and in view of Hall (U.S. Patent No. 2,675,310). The Examiner asserts that based on known manufacturing techniques to form capacitor anodes and in view of Hall, the claims would be obvious. This rejection is respectfully traversed.

The applicants rely on the previous comments set forth in the Amendment filed May 14, 2008, and those arguments distinguishing the present invention from Hall are incorporated in their entirety by reference herein. Further, it is noted that each of the rejected claims now recite a sintered porous valve metal powder. As stated, Hall specifically teaches the densification of the metal.

Accordingly, this rejection should be withdrawn.

Rejection of claims 27 and 56 under 35 U.S.C. §103(a) -- Reichert et al. in view of Hall

At page 2 of the final Office Action, the Examiner rejects claims 27 and 56 under 35 U.S.C. §103(a) as unpatentable over Reichert et al. (U.S. Patent No. 6,193,779) in view of Hall (U.S. Patent No. 2,675,310). The Examiner asserts that Reichert et al. shows a method of making sintered anodes having the various properties recited in these claims and further asserts that it would be obvious to combine the teachings of Reichert et al. with Hall and to deoxidize the powder of Reichert et al. after sintering. This rejection is respectfully traversed.

First, as stated above, each of the rejected claims now recite a sintered porous valve metal material and, as stated above, Hall strictly relates to the densification of metal powder by sintering. Furthermore, one skilled in the art would not combine the teachings of Hall with Reichert et al. because, as stated, Hall strictly relates to the densification of metal without any porosity. On the other hand, Reichert et al. strictly relates to tantalum powder for sintered anode use. An anode that does not have porosity simply would not be able to function as an anode. Therefore, if one combined the teachings of Hall with Reichert et al., one would obtain a complete densified material, which could not possibly serve as an anode since the anode would not be operable. Accordingly, it would not be obvious to combine the teachings of Hall with Reichert et al. for this technical reason.

In addition, the Examiner proposed that one would substitute the teachings of Hall in Reichert et al. to achieve a faster sintering time. However, it is respectfully noted that Reichert et al. clearly states at col. 5, lines 7-12, that the sintering times are for 10 minutes. It is noted that there is no sintering time set forth in Hall that is less than 10 minutes. In other words, the sintering times in Reichert et al. are already faster or shorter than the time set forth in Hall and, therefore, one skilled in the art would not look to Hall for any improvement. In fact, Hall would appear to suggest to one skilled in the art that the sintering times would actually take longer, for instance, see col. 7, lines 7-

20 of Hall, which recite sintering times of 10 to 20 minutes or an hour. Thus, the Examiner's proposed reasoning for modifying Reichert et al. with Hall would not be accurate.

Finally, with respect to the Examiner's assertion that it would be obvious to reverse the deoxidizing step in Reichert et al. so that it occurs after sintering, this would not be feasible based on a reading of Reichert et al. Reichert et al. clearly states that deoxidation occurs prior to sintering and that this occurs using magnesium that is mixed with the tantalum. Then, the material is washed with acids to remove not only the residual magnesium, but other impurities as described, for instance, at col. 4, beginning at line 25 of Reichert et al. If one sintered prior to deoxidizing in the process of Reichert et al., one would trap the magnesium and impurities in the tantalum sintered body according to Reichert et al., and it would not be removable through the use of acids since, at this point, one is not dealing with tantalum powder, but a sintered body of metal. Thus, the Examiner's proposed reversal of the sintering and deoxidation steps simply would not be feasible in view of a reading of Reichert et al.

For all of these reasons, this rejection should be withdrawn.

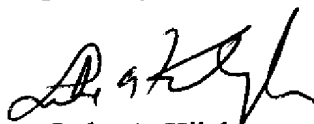
CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

U.S. Patent Application No. 10/828,789
Amendment After Final dated September 24, 2008
Reply to Final Office Action of August 11, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. A. Kilyk', with a stylized flourish at the end.

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